



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,384	07/02/2001	Yoji Furuya	35.C15522	1397

5514 7590 03/09/2005

FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER

ADAMS, JONATHAN R

ART UNIT	PAPER NUMBER
----------	--------------

2134

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/895,384

**Applicant(s)**

FURUYA, YOJI

**Examiner**

Jonathan R Adams

**Art Unit**

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3, 6, 11, 19, 20, 33-35, 37-40, 42-48 rejected under 35 U.S.C. 102(e) as being anticipated by Bell et al., US Patent No. 6832319 (hereafter referred to as '319).

As to claim(s) 1, 3, 6, 19, 33-35, 37-40, 42-48:

3. '319 teaches a information processing apparatus utilizing a copy protection scheme comprising:

- Encrypting a life counter for content data / Exchange key is encrypted with content key (Col 7, Line 60, '319)
- Adding encrypted life counter to a content data file / Encrypted exchange key is hashed to render a bus content key to encrypt data (Col 7, Lines 64-67, '319)

Art Unit: 2134

- Transmitting over a network content data file with life counter from first to second information apparatus / Receive data at satellite player, establish exchange key, modify exchange key (Fig 7, Consecutive entries 58, 60, 62, '319)
- Subtracting a specific value from encrypted life counter / Accordingly, when the data received indicates that it may be copied once only, at block 62 the special number for "copy no more" can be subtracted from the exchange key, and the special number for "copy once" can be added to the exchange key (Col 7, Lines 52-58, '319)
- Inhibiting processing content data file when the value held by encrypted life counter has been reduced to a number smaller than said specific value / "copy no more" command is inserted into the present encryption key that is used to encrypt the data recorded on the disk 32. (Col 8, Lines 5-8, '319)

4. As to claim(s) 11:

Determining the value to be held by life counter in correlation with the frequency of display printing or reproduction for content data / The special numbers, preferably known only to authorized devices, represent the control commands "copy once" and "copy no more". (Col 7, Lines 49-52, '319)

5. As to claim(s) 20:

Art Unit: 2134

Processing means displays, prints, or reproduces data in content data file / Player decrypts the data using the content key or its derivative to display the data (Col 7, Lines 30-32, '319)

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 9 rejected under 35 U.S.C. 103(a) as being unpatentable over '319.

As to claim(s) 9:

8. '319 teaches a information processing apparatus utilizing a copy protection scheme using arbitrary life counter values to prevent unauthorized copying further comprising:

- Copying content data file with encrypted life counter / Receive data at satellite player, establish exchange key, modify exchange key (Fig 7, Consecutive entries 58, 60, 62, '319)

9. '319 does not teach reducing to half the value. The examiner takes official notice to set the arbitrary values in '319 so that the subtraction of "copy once" should reduce the value in half. It would have been obvious to a person of ordinary skill in the art at the time of invention to set the arbitrary values in '319 so that the subtraction of "copy

Art Unit: 2134

once" should reduce the value in half. One of ordinary skill in the art would have been motivated to set the arbitrary values in '319 so that the subtraction of "copy once" should reduce the value in half because the specific numerical bit values do not influence the functionality if implemented consistently throughout the invention.

10. Claims 2, 4, 5, 7, 8, 10, 12 rejected under 35 U.S.C. 103(a) as being unpatentable over '319 in view of Wong et al., US Patent No 6557102 (hereafter referred to as '102)

As to claim(s) 2, 4, 7:

11. '319 teaches a information processing apparatus utilizing a copy protection scheme using a life counter to prevent unauthorized copying using data from a content provider. '319 does not teach for the content provider to be coupled by an Internet connection. '102 teaches a copy protection system using a content provider coupled by an Internet connection (Col 1, Lines 45-51, '102) (Fig 1, Element 26, '102). It would have been obvious to a person of ordinary skill in the art at the time of invention to modify '319 for the networked content provider to be coupled via Internet as in the invention of '102. One of ordinary skill in the art would have been motivated to modify '319 for the networked content provider to be coupled via Internet as in the invention of '102 because the Internet is the largest versatile content providing network.

12. As to claim(s) 5, 8:

Art Unit: 2134

Processing means displays, prints, or reproduces data in content data file / Player decrypts the data using the content key or its derivative to display the data (Col 7, Lines 30-32, '319)

13. As to claim(s) 10:

Moving content data file without changing the value held by encrypted life counter / Encrypt data with bus content key and record (Fig 7, Element 68, '319)

14. As to claim(s) 12:

'319 as modified above teaches a information processing apparatus utilizing a copy protection scheme using a life counter to prevent unauthorized copying. '319 as modified above does not teach for the life counter value to be correlated with period of time during which content data is reproduced. '102 teaches a copy protection system using a timestamp to determine the reproducibility of content (Col 6, Line 61-64, '102). It would have been obvious to a person of ordinary skill in the art at the time of invention to use the timestamp check of '102 with the invention of '319 as modified above. One of ordinary skill in the art would have been motivated to use the timestamp check of '102 with the invention of '319 as modified above because using timestamps assures that items which were captured when the image dataset was first generated (Col 4, Line 62-65, '102).

Art Unit: 2134

15. Claims 13-18, 21-27, 29-32, 36, 41 rejected under 35 U.S.C. 103(a) as being unpatentable over '319 in view of '102 in further view of "An Introduction to Microsoft NetShow Services and Advanced Streaming Format" (hereafter referred to as IMNSASF).

As to claim 13, 14:

16. '319 as modified above teaches a information processing apparatus utilizing a copy protection scheme using a life counter to prevent unauthorized copying. '319 as modified above does not teach to the transmission of an application program for processing the content data file. IMNSASF teaches an automatic transmission feature for downloading a content data processing program in a Windows environment (Page 3, Line 4, IMNSASF). It would have been obvious to a person of ordinary skill in the art at the time of invention to use the content data processing program automatic download feature taught in IMNSASF with the invention of '319 as modified above. One of ordinary skill in the art would have been motivated to use the content data processing program automatic download feature taught in IMNSASF with the invention of '319 as modified above because this feature provides a simple, low user interaction interface for obtaining new content data processing programs.

17. As to claim(s) 15, 18:

Application program file is used to display, print or reproduce data in said content data file / Universal Player (Page 2, Slide 2, IMNSAF)

Art Unit: 2134

18. As to claim(s) 16, 21, 36, 41:

Claim 16 corresponds to claim 13 and further comprises:

Permitting the reading only of the content data file for an application program currently being executed by different information processing apparatus / At least the media identification is written in a read-only area (Col 4, Lines 12-13, '319)

19. As to claim(s) 17, 22:

Claim 17, 22 corresponds to claim 2.

20. As to claim(s) 23:

Processing means displays, prints, or reproduces data in content data file / Player decrypts the data using the content key or its derivative to display the data (Col 7, Lines 30-32, '319)

21. As to claim(s) 24:

Inhibiting copying of content data having encrypted life counter / "copy no more" command is inserted into the present encryption key that is used to encrypt the data recorded on the disk 32. (Col 8, Lines 5-8, '319)

22. As to claim(s) 25:

Inhibiting moving of content data having encrypted life counter / "copy no more" command is inserted into the present encryption key that is used to encrypt the data

Art Unit: 2134

recorded on the disk 32. (Col 8, Lines 5-8, '319), Moving computer files between computer systems is generally characterized by a copy operation and a delete operation.

23. As to claim(s) 26:

Claim 26 corresponds to claim 11.

24. As to claim(s) 27:

Claim 27 corresponds to claim 12.

25. As to claim(s) 29:

Claim 29 corresponds to claims 7 and 11.

26. As to claim(s) 30, 32:

Claims 30 and 32 correspond to claim 7

27. As to claim(s) 31:

Claim 31 corresponds to claim 7 and further comprises:

Second information processing apparatus is a LAN server / Player (Fig 3, Element 18, '319) is LAN server for IEEE1394 LAN to Recorder (Fig 3, Element 20, '319)

Art Unit: 2134

28. Claim 28 rejected under 35 U.S.C. 103(a) as being unpatentable over '319 as modified above in view of "Screen Shots".

As to claim(s) 28:

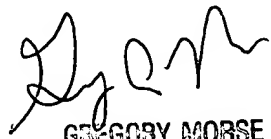
29. '319 as modified above teaches a information processing apparatus for content distribution and display. '319 as modified above does not teach the use of printing the displayed images. Screen Shots teaches the ability do print anything displayed on screen (Page 1, Lines 1-4, Screen Shots). One of ordinary skill in the art would have been motivated to use the print screen functionality of "Screen Shots" with the invention of '319 as modified above. One of ordinary skill in the art would have been motivated to use the print screen functionality of "Screen Shots" with the invention of '319 as modified above because print screen functionality is in common use and comes with most popular computer operating systems.

### ***Conclusion***

30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan R Adams whose telephone number is (571)272-3832. The examiner can normally be reached on Monday – Friday from 10am to 6pm.

Art Unit: 2134

31. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse, can be reached on (703) 308-4789. The fax phone number for the organization where this application or proceeding is assigned is (571)272-3838. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



GREGORY MORSE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100